



गैरआवासीय नेपाली संघ अन्तर्राष्ट्रिय समन्वय परिषद
Non-Resident Nepali Association International Coordination Council

"संविधान सुझाव समुह, संविधान सम्वन्धी सुझाव संकलन"
"Constitution Recommendation Committee, Suggestions for constitution making in Nepal"

सुझाव दिने राष्ट्रिय समन्वय परिषद _____

Name of the NCC providing the suggestions NCC-Finland

मिति (Date) 13.03.2009

(Please kindly send us your suggestion in English or Nepali. If you choose to use Nepali language, please use either Preeti font or Unicode. आफ्ना सुझावहरूलाई कृपया नेपाली वा अंग्रेजी भाषामा टाइप गरी पठाएर सहयोग गरिदिनु हुन हार्दिक अनुरोध गर्दछौं । नेपाली भाषा प्रयोग गर्दा प्रिती फ्रण्ट वा युनिकोड मात्र प्रयोग गर्न पनि आग्रह गर्दछौं ।)

क्रम संख्या	Item विषय	Suggestions सुझाव
(A) प्रस्तावना, अधिकार र कर्तव्य सम्वन्धी (Regarding Preamble, Rights and Duties)		
1	What should be included in the Preamble of the constitution? संविधानको प्रस्तावनामा कस्ता कुराहरू समावेश हुनुपर्छ ?	
2	What rights and duties of Nepali citizens should be included in the constitution? नेपाली नागरिकका कस्ता अधिकार र कर्तव्यलाई संविधानमा समावेश गरिनु पर्छ ?	all basic rights and human rights
(B) व्यवस्थापिका सम्वन्धी (Regarding Legislature)		
3	Should it be a presidential (such as the one that exists in the USA) or parliamentary (similar to the one in the UK) or a mixed system (such as the one to be found in France) of governance? तपाईंको विचारमा हाम्रो संविधान कस्तो प्रणालिमा आधारित हुनु पर्छ - राष्ट्रपतीय (संयुक्त राज्य अमेरिकामा जस्तो) वा संसदीय (बेलायतमा जस्तो) वा मिश्रित (फ्रान्समा जस्तो)?	Like UK

4	<p>How should the electoral system be? Should it be-</p> <p>a) fully proportional b) fully first-past-the-post system (directly elected) c) or a mixed system such as the one adopted in the election for the present CA? (If mixed, what should be the proportion between the directly elected and proportional representation?)</p> <p>हाम्रो मुलुकले कस्तो निर्वाचन प्रणाली अपनाउनु वेश हुन्छ -</p> <p>क) पूर्णसमानुपातिक ख) पहिलो हुने निर्वाचित हुने (प्रत्यक्ष निर्वाचित) ग) वा संविधान सभाको निर्वाचनमा प्रयोग भएको जस्तो मिश्रित व्यवस्था ? (मिश्रित भए प्रत्यक्ष निर्वाचित र पूर्णसमानुपातिक बिचको अनुपात कति हुनुपर्छ ?)</p>	<p>a mixed system such as the one adopted in the election for the present CA. This should be decided by elected CA members.</p>
5	<p>If proportional system is to be used, should we have some minimum threshold level of secured votes to qualify for the proportional part of the parliamentary quota? If so, what should be that percentage of the secured votes?</p> <p>समानुपातिक प्रणालि लागु हुने हो भने कुल मतको कुनै न्यूनतम प्रतिशत मत पाएका दललाई मात्र व्यवस्थापिकामा समानुपातिक प्रतिनिधित्वका लागि योग्य मान्ने प्रावधान राख्छ उचित होला ? यदि त्यस्तो प्रावधान राख्ने भए कम्तिमा कति प्रतिशत मत तोक्न वान्छनीय ठान्नु हुन्छ ?</p>	<p>A minimum of 5 %</p>
6	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	
<p>(C) कार्यपालिका सम्वन्धी (Regarding Executive Authority)</p>		
7	<p>How should the chief executive be elected by the people- directly (as in the US, France, or Russia) or by majority votes of parliament (as in Germany, India, or Italy)?</p> <p>देशको कार्यकारी प्रमुखको निर्वाचन कसरी हुनु पर्ला- अमेरिका, फ्रान्स, रुस आदि देशमा झैं प्रत्यक्ष निर्वाचनद्वारा अथवा भारत, जर्मनी, इटाली आदि देशमा जस्तो संसदको बहुमतद्वारा ?</p>	<p>Through direct election as in USA, (because then there will be no dirty games of toppling the government)</p>
8	<p>Should the cabinet members be allowed to come from outside of parliament? Or should members of parliament be prohibited from becoming ministers?</p> <p>के व्यवस्थापिका बाहिरका व्यक्तिहरु पनि मन्त्री हुन सक्ने प्रावधान राख्नु उचित होला ? अथवा व्यवस्थापिका सदस्यले मन्त्री नै बन्न नपाउने व्यवस्था गर्नु आवश्यक ठान्नु हुन्छ ?</p>	<p>MP should not be the minister. Educated and country renowned people should be appointed as Ministers from outside. A future minister should have a background of the concerned Ministry field</p>

9	<p>Should we have term limits for President and (or) Prime Minister?</p> <p>राष्ट्रपति एवं (अथवा) प्रधानमन्त्रीको पदावधि तोक्नु आवश्यक छ ? छ भने कतिपटक सम्म आफ्नो पदमा बहाल रहन पाउने व्यवस्था गरिनु वाञ्छनीय ठान्नु हुन्छ?</p>	2 terms max
10	<p>What should be the provision to remove the chief executive and the ministers? To change the government, should we require the opponent to present the complete set of the new government (PM and the key cabinet names) with some minimum support of the parliament members?</p> <p>कार्यकारी प्रमुख र मन्त्रीहरूलाई हटाउन कस्तो प्रावधान राख्नु पर्ला ? सरकार परिवर्तन गराउन प्रस्ताव राख्ने विपक्षी दलले नयाँ प्रधानमन्त्री लगायत पूर्ण मन्त्रिमण्डलको स्वरूप र त्यसलाई संसद सदस्यहरूको आवश्यक न्युनतम समर्थन रहेको प्रमाण समेत पेश गर्नुपर्ने प्रावधान राख्न वाञ्छनीय होला ?</p>	A provision of impeachment or vote of no-confidence.
11	<p>What constitutional provisions would you suggest to guarantee internal democracy in major political parties?</p> <p>मुख्य दलहरूभित्र आन्तरिक लोकतन्त्रलाई सुनिश्चित गर्न संविधानमा कस्तो व्यवस्था गर्न आवश्यक ठान्नु हुन्छ ?</p>	Use ones right without harming to the other's right
12	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	In a poor country like Nepal, if possible two parties democracy system should be adopted, because many parties- lack of sense of patriotism (only party orientated) and no collective force of many groups are possible
(D) संघीयता सम्बन्धी (Regarding Federalism)		
13	<p>What should be the future federal structure of the country?</p> <p>a) purely along ethnic lines b) based on three ecological belts: Mountains, Hill and Terai c) based on the existing five development region model d) based on a mix of ecology, geography, economy, mixed resource endowment (mountains and plains) and ethnicity e) or any other basis ?</p> <p>हाम्रो मुलुकले कस्तो संघीय स्वरूपलाई अपनाउनु हितकर हुन्छ :</p> <p>क) पूर्णतः जातीय आधारमा ख) हिमाल, पहाड, र तराई तीन भौगोलिक क्षेत्रका आधारमा ग) हालको पाँच विकास क्षेत्रको मोडेलमा घ) पर्यावरण, भूगोल, आर्थिक तथा प्राकृतिक स्रोत सम्पन्नता एवं जातीयताको मिश्रित आधारमा ङ) अथवा अरु कुनै आधारमा ?</p>	d. Should be based on a mix of ecology, geography, economy, mixed resource endowment (mountains and plains) and ethnicity.

14	How should the powers be divided or allocated between the centre and federal entities? संघीय एकाई एवं केन्द्रकाबिच शक्तिको बाँडफाँड कसरी हुनु पर्छ ? केन्द्रले कस्ता अधिकार राख्ने र प्रदेशले के पाउने हुनुपर्दछ?	Local economic benefits and revenue should remain at the local government. Defense, foreign policy, and other unforeseen policy should be under the control of the Centre.
15	Any other suggestion not included in the above list माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव	
(E) समावेशिकरण सम्बन्धी (Regarding Inclusiveness)		
16	What provisions should be included to empower women and others belonging to various marginalized, indigenous and other ethnic groups? महिला, आदिवासी र अन्य जाति-जनजाति समुहका सीमान्तकृत जनतालाई अधिकारसम्पन्न बनाउन संविधानमा के कस्ता प्रावधानहरू राख्न आवश्यक ठान्नु हुन्छ ?	A quota Reservation at the all systems (such as administration, judiciary, etc) of government.
17	What provisions should be included to make the system of governance as inclusive as possible? राज्य संयन्त्रलाई बढि भन्दा बढि समावेशी बनाउन संविधानमा के कस्ता प्रावधानहरू राख्न उचित ठान्नु हुन्छ?	encourage the backward ethnic people for the education.
18	Any other suggestion not included in the above list माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव	
(F) संशोधन र नियन्त्रण सम्बन्धी (Regarding Amendment and Control)		

19	<p>What should be the requirement to amend the constitution?</p> <p>संविधानको संशोधन गर्न कस्ता प्रावधानहरूको पालना गर्न जरूरी ठान्नु हुन्छ ?</p>	<p>General Principle</p> <p>(1) Where the Federal Constitution and implementing legislation do not provide otherwise, the revision follows the legislative process.</p> <p>(2) Where the Federal Constitution and implementing legislation do not provide otherwise, the revision shall follow the legislative process.</p> <p>Total Revision</p> <p>(1) A total revision of the Federal Constitution may be proposed by the People or may be decreed by the Federal Parliament.</p> <p>(2) If the initiative emanates from the People, the People decide on the execution of the total revision. (<i>Here 'the people' means a call for a referendum and its result</i>)</p> <p>(3) If the People approve a total revision, the Federal parliament will be newly elected.</p> <p>(4) The mandatory provisions of international law may not be violated.</p> <p>Partial Revision</p> <p>(1) A partial revision of the Federal Constitution may be requested by the People, or be decreed by the Federal Parliament.</p> <p>(2) The partial revision has to preserve the principle of unity of the subject matter, and may not violate the mandatory provision of international public law.</p> <p>(3) The popular initiative for partial revision has, moreover, to preserve the principle of unity of form.</p> <p>Entry into Force</p> <p>The Constitution revised in total or in part enters into force by the time it is accepted by the People and the Providences</p>
20	<p>What powers should parliament or president or cabinet have in ratifying Nepal's treaties with other nations?</p> <p>अन्य देशसँग गरिने सन्धीलाई अनुमोदन गर्ने प्रक्रिया कस्तो हुनुपर्छ र सरकार वा राष्ट्रपति वा संसदसँग यस सम्बन्धमा कस्तो अधिकार हुनु पर्छ ?</p>	<p>People mandate should be taken to do negotiation for natural resources and national wealth with foreign Countries because people have been facing so many difficulties and disasters due to previous decisions. Only one Nepali (PM) SHOULD NOT be allowed to sale ANY NATIONAL PROPERTY</p>
21	<p>Under which conditions can a state of emergency be declared?</p> <p>कस्तो अवस्थामा राज्यलाई आपत्कालीन स्थितिको घोषणा गर्ने अधिकार हुनुपर्छ ?</p>	<p>when 2/3 majority of the parliament thinks this.</p>
22	<p>Who should have residual powers and how should this be defined and used?</p> <p>अवशिष्ट अधिकार (बाधाअडचन फुकाउने अधिकार) लाई कसरी परिभाषित गर्ने र त्यस्तो अधिकार कसले प्रयोग गर्ने व्यवस्था हुनुपर्छ?</p>	

23	<p>What other provisions should be included in the constitution to strengthen democracy, human rights, rule of law and promote economic development?</p> <p>मुलुकको लोकतन्त्र, मानव अधिकार, विधिको शासन तथा आर्थिक विकासको प्रवर्धन एवं सुदृढिकरणकालागि संविधानमा अन्य कस्ता प्रावधान राख्न जरुरी ठान्नु हुन्छ ?</p>	
24	<p>What provisions should be included in the constitution to control corruption by politicians and public officials?</p> <p>सार्वजनीक पद धारण गर्ने व्यक्ति एवं राजनीतिक नेतृत्वबाट हुने भ्रष्टाचारलाई नियन्त्रण गर्न संविधानमा कस्तो व्यवस्था गर्न आवश्यक ठान्नु हुन्छ ?</p>	
25	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	see attachment
(G) गैरआवासीय नेपाली सम्वन्धी (Nepalese citizens domiciled abroad)		
26	<p>What provisions should be included in the constitution to enable NRNs' contribution in nation-building? In addition to the provision on dual nationality, what else should be included to ensure the NRNs' participation in the governance of the country?</p> <p>राष्ट्रनिर्माणमा गैरआवासीय नेपालीहरूको संलग्नतालाई प्रोत्साहित गर्न दोहोरो नागरिकता लगायत संविधानमा अन्य के कस्ता प्रावधान राख्न आवश्यक ठान्नु हुन्छ ?</p>	<p style="text-align: center;"><i>Nepalese citizens domiciled abroad</i></p> <p>(1) The Federal state of Nepal supports relations among Nepalese citizens domiciled abroad as well as their links with Nepal. The State may support organizations pursuing this goal.</p> <p>(2) The Federal Nepal State adopts rules on the rights and duties of Nepalese citizens abroad, in particular regarding the exercise of political rights on the federal level, on the duty to render military or substitute service, on welfare and on social security. (in my opinion, when NRNs are provided with their equal rights they know how to mobilize and protect their investment in the motherland and fulfill the obligations.</p> <p>(3) The Federal Republic of Nepal allows Nepalese citizens who are living outside of the six member nations of the South Asian Regional Association Cooperation (SAARC); to hold foreign citizenship(dual) as well as Nepalese citizenship.</p>
27	<p>Any other suggestion not included in the above list</p> <p>माथिका बाहेक अन्य कुनै महत्वपूर्ण सुझाव</p>	See below

28. SECURITY, NATIONAL AND CIVIL DEFENSE

Security

(1) The Federation and the Provinces provide the security of the country and the protection of the population within the limits of their respective competencies. police probably(how? have some discussions please!

there are so many of CA members elected and we are paying for them to do this job so write some good constitution and let us know before you finalize and pass it through)

(2) They coordinate their efforts in the field of inner security.

Army

(1) Federal Nepal has an Army. The army is organized professionally.

(2) The army serves to prevent war and contributes to maintain peace; it defends the country and its population. It supports the civil authorities to repel serious threats to internal security or to cope with other exceptional circumstances. The law may provide for further tasks.(see! acts)

(3) The use of the army is a federal matter.

Organization, Instruction, and Equipment of the Army

(1) Legislation on the military as well as on organization, instruction, and on equipment of the army, is a federal matter.

Civil defense

Very Important!(It would be a good idea to PREPARE and mobilize good hearted Nepalese youth (all Nepalese are good hearted) for emergencies and disasters in general, such as crisis management, emergency management, emergency preparedness, contingency planning, emergency services, and civil protection, the idea seems more like communistic to me but in current situation of Nepal 'civil defense' helps unemployed youth to engage and develop themselves socially and help in the overall development of the nation in a long-run, On the other hand 'civil defense' units will be a non political unit, I mean not run by a political party (unlike YCL, taruns, youth force and) so the unit might help to unite society in a higher level, to become more civilized and productive, development is a relative term)

(1) Legislation on civil protection of people and goods against consequences of armed conflicts is a federal matter.

(2) The Federation adopts rules on the intervention of civil defense in catastrophes and emergencies.

(3) Persons, who render civil defense service and thereby suffer health impairment or lose their live, have the right for themselves or for their relatives to appropriate support by the Federation. (There must be only one professional national army force, no one party or any cult or clan are allowed to keep any militia or army).